

**IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
PENNSYLVANIA**

ROBERT G. WYCKOFF,)	Civil Action No. 00-2248
)	
Plaintiff,)	Chief Judge Donetta W. Ambrose
)	
v.)	
)	
METROPOLITAN LIFE INSURANCE)	
COMPANY and KENNETH F. KACZMAREK)	
)	
Defendants)	

**PLAINTIFF'S MOTION FOR EXTENSION OF TIME TO FILE RESPONSES TO
DEFENDANTS' MOTIONS IN LIMINE**

Kenneth R. Behrend
Pa. I.D. 37961
BEHREND & ERNSBERGER, P.C.
Union National Bank Building
Suite 300
306 Fourth Avenue
Pittsburgh, PA 15222
(412) 391-2515

**IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
PENNSYLVANIA**

ROBERT G. WYCKOFF,)	Civil Action No. 00-2248
)	
Plaintiff,)	Chief Judge Donetta W. Ambrose
)	
v.)	
)	
METROPOLITAN LIFE INSURANCE)	
COMPANY and KENNETH F. KACZMAREK)	
)	
Defendants)	

**PLAINTIFF'S MOTION FOR EXTENSION OF TIME TO FILE RESPONSES TO
DEFENDANTS' MOTIONS IN LIMINE**

AND NOW comes Plaintiff, Robert Wyckoff, by and through his counsel Kenneth R. Behrend and the law firm of Behrend & Ernsberger, P.C. and files the following Motion for Extension of Time and avers in support as follows:

1. Trial of the instant case is scheduled for November 6, 2006 before the Honorable Donetta W. Ambrose of the United States District Court for the Western District of Pennsylvania.
2. The instant case is one of a series of cases being heard by the Honorable Donetta W. Ambrose involving allegations of misrepresentation in the sale of life insurance policies by Defendant MetLife and its agents.
3. Pursuant to an order of Court entered May 16, 2005, Defendants were required to file Motions in Limine on or before October 3, 2006.
4. On October 3, 2006, Defendant MetLife filed twenty (20) Motions in Limine with

this Court.

5. Plaintiff's Counsel received the twenty (20) Motions in Limine on October 4, 2006 through the Court's electronic filing system.

6. By Order dated May 16, 2006, Plaintiff is required to file his reply to these twenty motions by October 10, 2006

7. In addition, by Order dated September 13, 2006, Plaintiff is required to respond to Defendants' Objections to the Deposition Excerpts proposed by Plaintiff by October 10, 2006.

8. The law firm of Behrend & Ernsberger is currently in the process of moving its office from its current location.

9. The move, which began on October 4, 2006, is expected to be completed on or about October 10, 2006.

10. Due to the disruption in the office and the inability to produce work effort because the state of chaos created by the boxing and moving of all files and the entire office, Plaintiff's counsel is unable respond to twenty Motions in Limine within seven days as provided by the Court. Upon a cursory glance at the twenty motions, it appears that MetLife raises no new issues. However, the man hours necessary to respond in a professional manner are not sufficient due to the relocation of the offices. Although it is not expected that Plaintiff will be providing any new or different arguments than those filed in the previous cases, even filing the same arguments still requires considerable time and effort to conform the responses with the facts of the instant case and the arguments presented by MetLife in each Motion as MetLife's presentation varies from case to case.

11. Plaintiff therefore requests an extension of the filing deadlines for both the Replies to Motions in Limine and the Responses to Defendants' Objections to the Deposition Excerpts

proposed by Plaintiff until Tuesday, October 17, 2006.

12. Defendants' will not be prejudiced by the above extension.

WHEREFORE, Plaintiff respectfully requests that this Court extend the deadline for the filing of both the Replies to Motions in Limine and the Responses to Defendants' Objections to the Deposition Excerpts proposed by Plaintiff from October 10, 2006 until October 17, 2006.

Respectfully submitted,

/s/Kenneth R. Behrend

Kenneth R. Behrend

Pa. I.D. 37961

BEHREND & ERNSBERGER, P.C.

306 Fourth Avenue, Suite 300

Pittsburgh, PA 15222

(412) 391-2515

CERTIFICATE OF SERVICE

I, Kenneth R. Behrend hereby certify that a true and correct copy of the foregoing Motion for Extension of Time has been served upon the below listed counsel through the Court's electronic filing system on this 5th day of October, 2006.

B. John Pendleton, Jr., Esquire
MCCARTER & ENGLISH
Four Gateway Center
100 Mulberry Street
Newark, NJ 07102

/s/Kenneth R. Behrend
Kenneth R. Behrend
Pa. I.D. 37961
BEHREND & ERNSBERGER, P.C.
306 Fourth Avenue, Suite 300
Pittsburgh, PA 15222
(412) 391-2515